HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26116 of 2007

Dated 7th December, 2007

Between

A.V.V.Satyanarayana Raju and ors

…Petitioners

and

The Additional Agent to the Government,
Rampachodavaram, EG District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :26116 of 2007

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in taking steps for eviction of the petitioners from the lands admeasuring Ac.2.64 cents covered by Sy.No. 26/2, and, Ac.1.42 cents covered by Sy.No.29/4 of Rajavommangi village & Mandal in East Godavari District, and, further, the order dated 13-11-2007 passed by the second Respondent in LTRP.No. 29 of 2007 as illegal and arbitrary.

Impugned order dated 13-11-2007 is passed by the second respondent in LTRP.No. 29 of 2007, in exercise of powers under Regulation 3(2)(a) of A.P. Scheduled Areas Land Transfer Regulation 1/59, as amended by Regulation 1/70, for eviction of the petitioners

from the subject lands. It is the case of the petitioners that the lands in question were purchased by their father by registered sale deed dated 19-6-1950 from its previous owner. It is stated that earlier proceedings were initiated under the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1/59, as amended by Regulation 1/70, but however, the same were dropped by recording a finding that the said transaction was not in violation of the said Regulation. It is submitted that in spite of the same, without examining the said aspect, again, impugned order dated 13-11-2007 is passed in LTRP.No.29 of 2007 for eviction of the petitioners. It is further submitted that against the order of the primary authority, the petitioners have preferred statutory appeal before the first respondent-appellate authority on 1-12-2007, however, no orders have been passed for staying the operation of the order of the primary authority dated 13-11-2007 and on the other hand, the respondents are taking steps for eviction of the petitioners from the subject lands. It is further submitted that after purchase of the said lands, a cinema theater was constructed, apart from some residential houses.

Heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents.

In view of the pendency of the appeal preferred by the petitioners against the order of the primary authority dated 13-11-2007, it is not desirable to go into the merits of the case and record findings. As much as it is stated that, earlier, proceedings were initiated under the very same Regulation and the same were dropped, and, the petitioners have purchased the subject lands in the year 1950 by registered sale deed, I deem it appropriate to direct the respondents not to dispossess the petitioners from the subject lands till the disposal of the appeal

preferred by them before the appellate authority. In that view of the matter, I dispose of the Writ Petition directing the first respondent-appellate authority to dispose of the appeal preferred by the petitioners on 1-12-2007 against the order of the primary authority dated 13-11-2007, as expeditiously as possible, by giving opportunity to them. Till the disposal of the appeal, the order dated 13-11-2007 passed by the second respondent in LTRP.No. 29/2007 shall remain suspended and there shall be a further direction to the respondents to continue the petitioners in possession of the subject lands till disposal of the appeal.

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 7-12-2007
Note: Issue to day.
(BO) Msnr.